

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

IN RE CONAGRA FOODS, INC.

Case No. 11-cv-05379- CJC(AGR)

MDL No. 2291

Declaration

of

COLIN B. WEIR

March 8, 2019

REFERENCES MATERIALS DESIGNATED "CONFIDENTIAL" AND "CONFIDENTIAL
ATTORNEYS' EYES ONLY" UNDER PROTECTIVE ORDER

I, Colin B. Weir, declare as follows:

I am Vice President at Economics and Technology, Inc. ("ETI"), One Washington Mall, 15th Floor, Boston, Massachusetts 02108. ETI is a research and consulting firm specializing in economics, statistics, regulation, and public policy.

I. QUALIFICATIONS, BACKGROUND, AND EXPERIENCE

1. I hold a Masters of Business Administration, with honors, from the High Technology program at Northeastern University, Boston, Massachusetts. I hold a Bachelor of Arts degree, *cum laude*, in Business Economics from The College of Wooster, Wooster, Ohio. I have provided expert testimony before federal and state courts, the Federal Communications Commission, and state regulatory commissions, and have contributed research and analysis to numerous ETI publications and expert testimony at the state, federal, and international levels. I have consulted on a variety of consumer and wholesale products cases, calculating damages relating to food products, household appliances, herbal remedies, health/beauty care products, electronics, furniture, and computers. My Statement of Qualifications, which outlines my professional experience, publications, and record of expert testimony, is annexed hereto as Exhibit 1. This includes a list of all cases in which, during the previous four years, I have testified as an expert at trial or by deposition. Prior to joining ETI, I worked at Stop and Shop Supermarkets for a period of seven years, working as a cash department head, grocery/receiving clerk, and price-file maintenance head.

2. Contained in Exhibit 1 is a list of numerous litigations in which I have participated in the design, execution and/or determination of the economic suitability of conjoint surveys, or have been found by the court to have expertise in conjoint analysis. These cases include, but are not limited to *Jones v. Nutiva*; *Hunter v. Nature's Way*; *Looper v. FCA*; *Sanchez-Knutson v. Ford Motor Company*; *Belfiore v. Procter and Gamble*; *Kurtz v. Kimberly Clark*; *In re Scotts EZ Seed Litigation*; *In re: ConAgra Foods*; and *Hadley vs. Kellogg*.

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3. I am the same Colin B. Weir who has previously testified in this proceeding.

Incorporated by reference is my October 27, 2014 Reply Declaration and my September 5, 2014 Amended Declaration.

II. ENGAGEMENT

4. I was previously advised by Counsel for Plaintiffs that people purchased certain Wesson Oil Products labeled as being "100% Natural" claim ("Natural Claim") and that Plaintiffs allege that this Claim is false or misleading to reasonable consumers.¹ Over the course of several declarations, I proposed "Price Premium Damages" as a method to determine damages on a Class-wide basis, and provided methods to estimate such damages to a Class of consumers from eleven states through hedonic regression analysis. As I outlined in my earlier Declarations, hedonic regression is an econometric model commonly used by economists to quantify the relationship between the price of a product and its attributes, and the technique has a long history in use for determining damages in class action litigation.² This Court also recognized that Price Premium Damages can be calculated on a Class-wide basis using hedonic regression.

5. I have been informed that that, as of July 2017, Conagra had ceased advertising, marketing or selling Wesson Oils products as "natural" and removed the Natural Claim from the labels of all of its Wesson Oil products sold in the U.S.

6. Counsel for Plaintiffs has informed me that they have reached a settlement with Defendant that provides for, among other things, injunctive relief requiring that in the future, Wesson Oils will not be advertised, marketed or sold as "natural" unless the FDA issues express guidance or a regulation, or federal legislation is enacted, authorizing permitting use of a

¹ See, generally, Class Action Complaint.

² See, e.g., *Hedonic Prices and Implicit Markets: Product Differentiation in Pure Competition*. Rosen, Sherwin, The Journal of Political Economy, Vol. 82, No. 1. (Jan. - Feb., 1974); *The Use of Hedonic Analysis for Certification and Damage Calculations in Class Action Complaints*, Doane, Michael (Analysis Group) and Hartman, Raymond, Journal of Law, Economics, & Organization, Vol. 3, No. 2 (Autumn, 1987), pp. 351-372.

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"natural" claim on a product containing processed oil derived from genetically engineered seed stock.

7. I have been asked to estimate, using hedonic regression analysis, the annual value to consumers of the removal of the Natural Claim from the labels of all Wesson Oils.

8. I have also been asked to estimate the maximum amount of damages that Plaintiffs could obtain at trial pursuant to Judge Morrow's rulings in the case. Specifically, I was asked to calculate the portion of the Price Premium for the Natural Claim that is specifically attributable to "non-GMO" meaning of the Natural Claims to consumers, through the combined use of hedonic regression analysis and conjoint analysis.³

9. Earlier in this litigation, Judge Morrow ruled that I am qualified as an expert in both hedonic regression analysis and conjoint analysis, and that Plaintiffs' combined use of hedonic regression and conjoint survey is a valid method of calculating Class-wide damages in this case.⁴

III. SUMMARY OF OPINIONS

10. In my opening Declarations, I discussed how consumers have paid a market price premium as a result of Defendant's use of the Natural Claim on its Wesson Oils. This premium is reflective of the fact that the market prices cooking oils higher when they carry a "natural" claim on the label compared to oils that do not carry such a label (holding all else equal).

11. I have been informed that Conagra removed the Natural Claim from all the Wesson Oils sold in the United States and stopped advertising, marketing or selling Wesson Oils as

³ Conjoint analysis is well-accepted quantitative method in marketing research and is commonly used to measure how consumers perceive and value the different product features (called "attributes") that make up an individual product or service. I used it here to determine relative value of the GMO-free interpretation of the Natural Claim vis-à-vis other possible interpretations that were identified throughout the course of the litigation. This fractional value can be applied to the hedonic regression results to determine the portion of the price premium resulting from the Natural Claim that is specifically attributable to the GMO-free issue.

⁴ Order Denying Plaintiffs' Motion for Class Certification; Granting in Part and Denying in Part Defendants' Motion to Strike, ECF No. 350 at 10 (August 1, 2014) ("The court concludes that Weir's academic training and practical experience qualify him to testify to the calculation of damages using hedonic regression and conjoint analysis.").

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"natural" as of July 2017. As a result of Conagra's label and marketing changes, consumers have been receiving the full economic benefit of the removal of that entire Natural Claim -- namely, paying less for the Wesson Oils because they are no longer paying the price premium that results from the use of the Natural Claim.

12. I have also been informed that the parties have reached a settlement that, among other relief, provides for the entry of an injunction ordering that Wesson Oils will not be advertised, marketed, or sold as "natural" unless the FDA issues express guidance or a regulation, or federal legislation is enacted, authorizing permitting use of a "natural" claim on a product containing processed oil derived from genetically engineered seed stock. As a result of that injunction, consumers will continue to receive the full economic benefit of the removal of the Natural Claim from all Wesson Oils labels for at least the foreseeable future, and possibly in perpetuity.

13. In my Amended Declaration, I set forth a detailed hedonic regression methodology for determining the price premium that consumers pay as a result of the Natural Claim. I described the empirical and historic price and attribute data I had reviewed for thousands of different products within the cooking oil market.

14. Since that time, I have obtained additional, more granular, retail sales data, and have conducted state-specific hedonic regressions to determine the price premium attributable to the Natural Claim on the Wesson Oil labels. The results generally demonstrate positive, statistically significant price premiums for the Natural Claim ranging from approximately 2% to as high as 18%.

15. As I discuss in greater detail below, using a combination of the retail and wholesale sales of the Wesson Oils and the results of the hedonic regressions, I have determined that the annual value of the injunctive relief provided by the settlement across the eleven-state class to be approximately \$11,540,000 per year.

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IV. SALES OF WESSON OIL

16. Defendant has provided certain updated documentation of its Wesson Oil sales.⁵ I have analyzed this data and estimated the total number of units sold of the Wesson Products at issue in this litigation during the most recent calendar year.

17. I have analyzed voluminous retail sales data concerning Wesson Oils from both IRI and Nielsen -- the leading retail sales data providers. These data sets provide, among other information, quantities of each Wesson Oils product sold at retail in both units and dollars during the Class Period. Using this data, I have estimated an aggregate average retail price for the Wesson Oils across all sizes and varieties of the Products -- including the premium that consumers paid for the Natural Claim.⁶

18. The IRI data that I have reviewed provides sales data for the Wesson Oil on a nationwide and state-by-state basis for the eleven Class States that have been certified in this litigation and are the only states at issue in the proposed settlement.^{7,8} Using this data, I have estimated the share of Wesson sales in each of the eleven Class States. I have also examined US population data both nationwide and on a state-by-state basis.⁹ I have used this data to cross check the state share data from IRI.

19. Using the estimate of retail sales price, units sold of the Wesson Oils, and the state share data, I have apportioned the estimated annual retail sales of the Wesson Products by state for each of the eleven class states.¹⁰

⁵ Bates No. CAG0050052, CAG047635.

⁶ IRI Data.

⁷ *Id.*

⁸ California, Colorado, Florida, Illinois, Indiana, Nebraska, New York, Ohio, Oregon, South Dakota, and Texas.

⁹ Census.gov (last accessed February 11, 2019).

¹⁰ I am omitting the actual sales data and calculations due to the confidentiality of the data that Conagra has provided.

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**V. PRICE PREMIUM ATTRIBUTABLE TO
"NATURAL"**

20. As discussed at length in my previous Declarations, I have used the economic method of hedonic regression analysis to isolate the price premium attributable to the natural claim made on the Wesson Oils.

21. Through counsel, I have obtained IRI sales data that is broken down by state and by sales channel. This data included over six years of through-the-register pricing and sales data for the Wesson Oils at issue in this litigation as well as for Wesson's major competitors. I have merged this data with the oil attributes contained in the original Nielsen dataset. Together, these two data sets contain numerous brands, representing dozens of individual products, and billions of units sold, with myriad product attributes as tracked by Nielsen.

22. Using this data, I have obtained state-specific results for the price premium attributable to the Natural Claim made on the Wesson Products, which are shown below in Table 1.¹¹

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¹¹ As I have discussed in my previous Declarations, the coefficient from the regression results must be exponentiated to determine the price premium.

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Table 1.

Class State-Specific Price Premium Attributable to the Natural Claim

State	Price Premium	Price Premium Factor ¹²
CA	2.77%	2.70%
CO	6.92%	6.48%
FL	6.08%	5.73%
IL	10.52%	9.52%
IN	9.89%	9.00%
NE	2.22%	2.17%
NY	18.82%	15.84%
OH	13.16%	11.63%
OR	5.64%	5.34%
SD ¹³	2.22%	2.17%
TX ¹⁴	7.71%	7.16%

**VI. VALUE OF THE LABEL AND MARKETING
CHANGES**

23. Using the retail sales of the Wesson Products by state, and the state specific price premium factors, I have calculated the portion of the annual retail sales of the Wesson Oils attributable to the price premium for the Natural claim in each of the eleven Class states

¹² As I discussed in my previous Declarations, the price premium (which reflects the amount by which a base price is increased by the claim) must be converted to a price premium factor to reflect the fact that the retail pricing already includes both the base and the price premium.

¹³ There was insufficient data to produce a reliable result for South Dakota. Given its geographical proximity, and the conservative nature of the result, I have thus used the premium results from Nebraska as a proxy.

¹⁴ There was insufficient data specific to the state of Texas to produce a state specific result for Texas. I have thus used the average of the model results as a proxy.

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24. The total price premium for the Natural Claim on Wesson Oils in the eleven Class States is approximately \$11.54-million per year.

25. As a result of the 2017 label change and the injunctive relief, consumers will receive the full economic benefit of the removal of that entire Natural Claim -- namely, paying less for the Products because they are no longer paying the price premium that results from the use of the Natural Claim.

26. This means that, all else being equal, one would expect that after the labeling changes, for the eleven states at issue in the litigation, the total amount that will be paid by consumers for the Products will be at least \$11.54-million less than it would have been in the absence of the changes on an annual basis.

27. Class Members have received these benefits since July 2017 and the injunctive relief obtained as part of the Settlement ensures that they will continue to receive the benefits in the future.

28. Because the Natural Claim has been removed from Wesson Oils products throughout the U.S., consumers living outside of the 11 states would also realize an economic benefit from the removal of the Natural Claim in the form of lower market prices. On a going forward basis this value may vary based upon the quantities of the product sold. For example, if sales quantities increase in the future, this value would be higher (Conagra's wholesale sales data show a 3.67% increase in case sales of Wesson Oil in its Fiscal 2018 results).¹⁵

VII. MAXIMUM DAMAGES AT TRIAL

29. In her Order denying Plaintiffs' first Motion for Class Certification, Judge Morrow ruled that that, for purposes of measuring damages, the premium associated with the Natural

¹⁵ Bates no. CAG047635. FY 2018 compared to FY 2016. ConAgra's fiscal year runs from June of the prior year through May of the stated year.

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Claim needed to be subdivided to quantify the portion of the premium associated solely with the "GMO-free" meaning of that claim.¹⁶

30. To address this requirement, my firm oversaw the design, execution, and analysis of a conjoint survey to measure the relative value that consumers place on the GMO-free meaning of the Natural Claim on the Wesson Products as compared to other meanings of the Natural Claim. The survey was conducted among respondents in the eleven Class States.

31. Based on the results of that conjoint survey, I have calculated the relative importance of the GMO-free meaning to Wesson Oil purchasers (or likely purchasers) in each individual Class State; and, in total, across all eleven Class States.

Table 2.

Individual State GMO-Free Attribute Importance

State	All	Wesson
CA	25.98%	25.98%
CO	28.11%	28.42%
FL	25.93%	26.00%
IL	26.73%	26.42%
IN	27.82%	28.24%
NE	26.35%	26.07%
NY	27.13%	27.12%
OH	27.62%	27.66%
OR	28.38%	28.38%
SD	26.14%	26.88%
TX	27.79%	27.75%

¹⁶ Order Denying Plaintiffs' Motion for Class Certification; Granting in Part and Denying in Part Defendants' Motion to Strike, ECF No. 350 (August 1, 2014).

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32. As can be seen from the data, the GMO-Free attribute importance is consistent across all eleven Class States, falling into an approximate range of 26-28% of the total value of the Natural Claim.

33. I have also conducted additional checks of the data, to confirm the reliability of the results.

34. Across the eleven Class States, the conjoint survey indicated that 27.20% of the value of the "natural" premium on the price of Wesson Oils was attributable to the GMO-Free meaning of "natural" in the minds of Wesson Oil purchasers.

35. By combining the results of the conjoint survey with the results of the hedonic regression described above, and the average retail price per unit of Wesson Oils sold during the Class period, I have calculated that the maximum average compensation Plaintiffs could seek at trial, under the constraints of Judge Morrow's decisions, would be approximately \$0.102 (10.2 cents) per unit purchased.

VIII. RESERVATION OF RIGHTS

My testimony is based upon the information and data presently available to me. I understand that additional, different, and/or updated data including market research data may be obtained in advance of trial. I therefore reserve the right to amend or modify my testimony.

VERIFICATION

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief, and that this declaration was executed at Boston, Massachusetts, this 8th day of March, 2019.



Colin B. Weir

Exhibit 1

Statement of Qualifications of

COLIN B. WEIR

Statement of Qualifications

COLIN B. WEIR

Colin B. Weir is Vice President at Economics and Technology, Inc. Mr. Weir conducts economic, statistical, and regulatory research and analysis, and testifies as an expert witness. Mr. Weir's work involves econometric and statistical analysis, multiple regression, surveys, statistical sampling, micro- and macroeconomic modeling, accounting and other economic analysis. Such analysis often involves analysis of databases, call detail records, and other voluminous business records. Mr. Weir is familiar with common statistical and econometric software packages such as STATA and Sawtooth Software. Mr. Weir assists with analysis of economic, statistical and other evidence; and preparation for depositions, trial and oral examinations. Mr. Weir has provided expert testimony before federal and state courts, the FCC, and state regulatory commissions, and has contributed research and analysis to numerous ETI publications and testimony at the state, federal, and international levels. Prior to joining ETI, Mr. Weir worked at Stop and Shop Supermarkets as a cash department head, grocery/receiving clerk, and price-file maintenance head.

Mr. Weir's experience includes work on a variety of issues, including: economic harm and damage calculation; liquidated damages provisions; lost profits; false claims; diminution in value; merger/antitrust analysis; Early Termination Fees (ETFs); Late Fees; determination of Federal Excise Tax burden; and development of macroeconomic analyses quantifying the economic impact of corporate actions upon the US economy and job markets.

Mr. Weir has conducted research and analysis in numerous litigation and regulatory matters on behalf of corporate, government and individual clients, including AT&T, MTS Allstream (Canada), The US Department of Justice, Office of the Attorney General of Illinois, Pennsylvania Department of Revenue, Thomas v. Global Vision, (class action litigation, Superior Court, County of Alameda), Ayyad v. Sprint (class action litigation, Superior Court, County of Alameda), Forcellati v. Hylands (class action, U.S. District Court, Central District of California), and Ebin v. Kangadis Foods (class action, U.S. District Court, Southern District of New York).

Mr. Weir holds an MBA with honors from Northeastern University. He also holds a Bachelor of Arts degree *cum laude* in Business Economics from The College of Wooster.

Mr. Weir is a member of the Boston Economic Club, a business member of the Boston Bar Association, serves on the Board of Trustees of the Waring School, and serves as the comptroller for the Sybaris Investment Partnership.

Publications and Testimony of Colin B. Weir

Mr. Weir has co-authored the following:

Interoperability and Spectrum Efficiency: Achieving a Competitive Outcome in the US Wireless Market (with Lee L. Selwyn) Economics and Technology, Inc., prepared on behalf of United States Cellular Corporation, July 2012.

The Price Cap LECs’ “Broadband Connectivity Plan”: Protecting Their Past, Hijacking the Nation’s Future (with Lee L. Selwyn and Helen E. Golding) Economics and Technology, Inc., prepared on behalf of United States Cellular Corporation, September 2011.

Regulation, Investment and Jobs: How Regulation of Wholesale Markets Can Stimulate Private Sector Broadband Investment and Create Jobs (with Lee L. Selwyn, Susan M. Gately, and Helen E. Golding) Economics and Technology, Inc., prepared on behalf of Cbeyond, Inc., Covad Communications Company, Integra Telecom, Inc., PAETEC Holding Corp, and tw telecom inc., February 2010.

Revisiting Us Broadband Policy: How Re-regulation of Wholesale Services Will Encourage Investment and Stimulate Competition and Innovation in Enterprise Broadband Markets, (with Lee L. Selwyn, Susan M. Gately, and Helen E. Golding) Economics and Technology, Inc., prepared on behalf of MTS Allstream, February 2010.

Longstanding Regulatory Tools Confirm BOC Market Power: A Defense of ARMIS (with Lee L. Selwyn, Susan M. Gately, and Helen E. Golding) Economics and Technology, Inc., prepared on behalf of the AdHoc Telecommunications Users Committee, January 2010.

Choosing Broadband Competition over Unconstrained Incumbent Market Power: A Response to Bell and TELUS (with Lee L. Selwyn, Susan M. Gately, and Helen E. Golding) Economics and Technology, Inc., prepared on behalf of MTS Allstream, April 2009.

The Role of Regulation in a Competitive Telecom Environment: How Smart Regulation of Essential Wholesale Facilities Stimulates Investment and Promotes Competition (with Lee L. Selwyn, Susan M. Gately, and Helen E. Golding) Economics and Technology, Inc., prepared on behalf of MTS Allstream, March 2009.

Special Access Overpricing and the US Economy: How Unchecked RBOC Market Power is Costing US Jobs and Impairing US Competitiveness (with Lee L. Selwyn, Susan M. Gately, and Helen E. Golding) Economics and Technology, Inc., prepared on behalf of the AdHoc Telecommunications Users Committee, August 2007.

The AWS Spectrum Auction: A One-Time Opportunity to Introduce Real Competition for Wireless Services in Canada (with Lee L. Selwyn and Helen E. Golding) Economics and Technology, Inc., prepared on behalf of MTS Allstream, June 2007.

Comparison of Wireless Service Price Levels in the US and Canada (with Lee L. Selwyn) Economics and Technology, Inc., prepared on behalf of MTS Allstream, May 2007.

Hold the Phone! Debunking the Myth of Intermodal Alternatives for Business Telecom Users In New York (with Susan M. Gately and Lee L. Selwyn) Economics and Technology, Inc., prepared for the UNE-L CLEC Coalition, August 2005.

Mr. Weir has submitted the following testimony:

United States District Court, Western District of Washington, Jacob Beaty and Jessica Beaty on, behalf of themselves and all others similarly situated, v. Ford Motor America, Case No. 3:17-CV-05201-RBL, on behalf of Simmons Hanly Conroy LLC; Declaration submitted on February 22, 2019.

United States District Court, Southern District of New York, Nicholas Parker, on behalf of himself and all others similarly situated, v. United Industries Corporation, Case No. 1:17-cv-05353, on behalf of Burstor & Fisher, P.A., Declaration submitted February 3, 2019.

United States District Court, Northern District of California, Debbie Krommenhock and Stephen Hadley, on behalf of themselves, all others similarly situated, and the general public, v. Post Foods, LLC, Case No. 3:16-cv-04958-WHO (JSC), on behalf of Law Offices of Jack Fitzgerald, PC, Declaration submitted January 11, 2019; Deposition on March 1, 2019.

United States District Court, Southern District of New York, Leona Hunter and Anne Marie Villa, on behalf of themselves and all others similarly situated, v. Time Warner Cable Inc., Case No. 15-cv-06445-JPO (JLC), on behalf of Burstor & Fisher, P.A. Declaration submitted on November 30, 2018; Deposition on December 21, 2018; Reply Declaration submitted on February 27, 2019.

United States District Court, Northern District of California, Jeremiah Revitch, on Behalf of Himself and all Others Similarly Situated, v. Citibank, N.A., Case No. 17-cv-06907-JCS, on behalf of Burstor & Fisher, P.A. Declaration submitted on November 27, 2018; Deposition on December 28, 2018; Reply Declaration submitted on February 1, 2019; Deposition on February 26, 2019.

United States District Court, Central District of California, Kaylee Browning and Sarah Basile, on behalf of themselves and all others similarly situated, v. Unilever United States Inc., Case No. 8:16-cv-02210, on behalf of Burstor & Fisher, P.A., Declaration submitted on October 22, 2018; Deposition on November 1, 2018; Reply Declaration submitted on November 23, 2018.

United States District Court, Southern District of New York, Lori Canale, individually, and on behalf of all others similarly situated, v. Colgate-Palmolive Co., Case No. 7:16-CV-03308-CS, on behalf of Burstor & Fisher, P.A., Declaration submitted on September 19, 2018.

Superior Court for the State of California, In and for the County of San Francisco, Michelle Gyorke-Takatri and Katie Silver on behalf of themselves and all others similarly situated, v. Nestlé USA, Inc. and Gerber Products Company, Case No. CGC 15-546850, on behalf of Stanley Law Group, Declaration submitted on September 7, 2018.

United States District Court, Northern District of Illinois, Eastern Division, Ryan Porter and Haarin Kwon, individually and on behalf of all others similarly situated, NBTY, Inc., United States Nutrition Inc., Healthwatchers (DE), Inc., and MET-RX Nutrition, Inc., Case No. 15-cv-11459, on behalf of Burson & Fisher, P.A., Declaration submitted on August 15, 2018; Deposition on October 12, 2018; Reply Declaration on December 21, 2018.

Superior Court of the State of California, For The County of San Francisco, Deanna Gastelum and Heather Bryden individually and on behalf of all other persons similarly situated, v. Frontier California Inc., Case No. CGC-11-511467, on behalf of Bramson, Plutzik, Mahler and Birkhaeuser; Declaration submitted on July 31, 2018, Declaration submitted August 13, 2018.

United States District Court, For the Southern District of New York, Suzanna Bowling, individually and on behalf of all others similarly situated, v. Johnson & Johnson and McNeil Nutritionals, LLC, Case No. 1:17-cv-03982-AJN, on behalf of Burson & Fisher, P.A., Declaration submitted on July 30, 2018, Deposition on September 6, 2018; Reply Declaration submitted on November 16, 2018.

United States District Court, Southern District of New York, Anne De Lacour, Andrea Wright, and Loree Moran individually and on behalf of all others similarly situated, v. Colgate-Palmolive Co., and Tom's of Maine Inc., Case No. 1:16-cv-08364-RA, on behalf of Burson & Fisher, P.A., Declaration submitted on June 15, 2018; Deposition on August 28, 2018; Reply Declaration submitted on November 21, 2018.

United States District Court, Northern District of California, San Francisco Division, In re: Chrysler-Dodge-Jeep EcoDiesel® Marketing, Sales Practices, and Products Liability Litigation Dorun Bali, et al., v. Fiat Chrysler Automobiles N.V., FCA US LLC, Sergio Marchionne, VM Motori S.p.A., VM North America, Inc., Robert Bosch GmbH, Robert Bosch LLC, and Volkmar Denner, Case No. MDL 2777-EMC, on behalf of Lieff Cabraser Heimann & Bernstein, Declaration submitted on June 6, 2018, Deposition on July 18, 2018, Reply Declaration submitted on September 4, 2018.

United States District Court, Northern District of California, Stephen Hadley, on behalf of himself, all others similarly situated, and the general public, v. Kellogg Sales Company, Case No. 5:16-cv-04955-LHK-HRL, on behalf of Law Offices of Jack Fitzgerald, PC, Declaration submitted April 30, 2018, Deposition on May 31, 2018; Reply Declaration submitted June 25, 2018; Declaration submitted on September 20, 2018; Deposition on September 28, 2018.

United States District Court, Northern District of Illinois, Eastern Division, Teresa Elward, Dennis Keesler, Leasa Brittenham, Kathy Beck and Nathaniel Beck, Angelia East, Sarah LaVergne, Tony And Lauren Fitzgerald, Gregory Gray, Bethany Williams, John McLaughlin, Stacy Cisco, and William Ferguson and Cheryl Ferguson, individually and on behalf of all others similarly situated, v. Electrolux Home Products, Inc., Case No. 1:15-cv-09882-JZL, on behalf of Greg Coleman Law, Declaration submitted April 20, 2018; Reply Declaration submitted on July 13, 2018; Deposition on August 17, 2018.

United States District Court for the Northern District of California, Jackie Fitzhenry-Russell, an individual, on behalf of herself, the general public and those similarly situated v. The Coca Cola Company, and Does 1-50, Case No. 5:17-CV-00603-EJD, on behalf of Gutride Safier, LLP, Declaration submitted April 16, 2018; Deposition on October 3, 2018.

United States District Court for the Southern District of New York, Josephine James Edwards, individually and on behalf of all others similarly situated, v. Hearst Communications, Inc., Case No. 15-cv-09279-AT, on behalf of Burson & Fisher, P.A., Declaration submitted April 16, 2018; Deposition on June 7, 2018.

United States District Court, Northern District of California, Jackie Fitzhenry-Russell, Robin Dale, and Gegham Margaryan, as individuals, on behalf of themselves, the general public and those similarly situated, v. Dr. Pepper Snapple Group, Inc., Dr Pepper/Seven Up, Inc., and Does 1-50, Case No. 5:17-cv-00564-NC (lead); Case No. 5:17-cv-02341-NC (consolidated); Case No. 5:17-cv-04435-NC (consolidated), on behalf of Gutride Safier, LLP, Declaration submitted April 9, 2018; Deposition on April 19, 2018; Reply Declaration submitted June 6, 2018; Supplemental Declaration submitted on November 19, 2018.

United States District Court for the Western District of Texas, Austin Division, Sylvia Morris, on behalf of herself and all others similarly situated, v. Modernize Inc., Case No. 17-cv-963-SS, on behalf of Burson & Fisher, P.A., Declaration submitted March 13, 2018; Deposition on June 14, 2018.

United States District Court, Northern District of California, San Jose Division, In re: Arris Cable Modem Consumer Litigation, Case No. 17-cv-1834-LHK, on behalf of Schubert Jonckheer & Kolbe, Declaration submitted on March 9, 2018; Reply Declaration submitted April 9, 2018; Deposition on April 11, 2018; Declaration submitted June 13, 2018; Declaration submitted January 31, 2019; Deposition on February 14, 2019.

United States District Court, Southern District of New York, In re: Amla Litigation, Case No. 1:16-cv-06593-JSR, on behalf of Levi & Korsinsky LLP, Declaration submitted on March 5, 2018; Declaration submitted November 14, 2018; Deposition on November 28, 2018.

United States District Court, Eastern District of Michigan, *Toby Schechner, Barbara Barnes, Laura Bliss, Kathleen Jordan, Kathryn Limpede, Louise Miljenovic, Candace Oliarny, Beverly Simmons, Richard Thome And Mary Ellen Thome, V. Whirlpool Corporation*, Case No. 16-cv-12409-SJM, on behalf of Robbins Geller Rudman & Dowd, LLP, Declaration submitted February 12, 2018; Deposition on May 15, 2018; Reply Declaration submitted May 17, 2018.

United States District Court, Southern District of California, *Jose Conde, et al., v. Sensa, et al.*, Case No. 14-cv-51 JLS (WVG), on behalf of Burson & Fisher, P.A., Declaration submitted February 6, 2018; Declaration submitted February 21, 2019.

United States District Court, Northern District Of Illinois, Eastern Division, *Angel Bakov, Julie Herrera, and Kinaya Hewlett, individually and on behalf of all others similarly situated, v. Consolidated World Travel, Inc. d/b/a Holiday Cruise Line, a Florida corporation*, Case No. 15-cv-02980-HDL SEC, on behalf of Burson & Fisher, P.A., Declaration submitted February 6, 2018; Deposition on April 25, 2018.

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Mr. Weir has served as a consultative expert in numerous proceedings that did not result in testimony, and has contributed research and analysis to numerous additional publications and testimony at the state, federal, and international levels.